

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK
ALBANY DIVISION**

MICHAEL LIPFORD, individually & on)
behalf of all similarly situated,)

Plaintiff(s),)

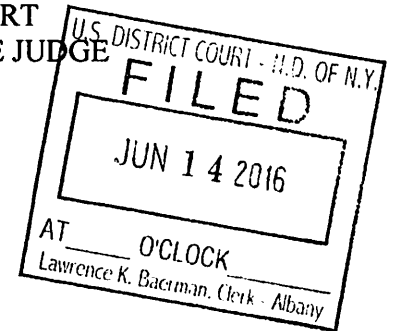
v.)

ATLAS RAILROAD)
CONSTRUCTION, LLC,)

Defendant.)

Case No. 1:15-cv-1174-BKS-DJS

DANIEL J. STEWART
U.S. MAGISTRATE JUDGE



**ORDER APPROVING SETTLEMENT AND FINAL JUDGMENT
AND DISMISSAL WITH PREJUDICE**

The Court has reviewed the terms of the Settlement Agreement reached by the 149 plaintiffs who filed consent forms in this action (“Opt-in Plaintiffs”), on one hand, and Atlas Railroad Construction, LLC (“Atlas”), on the other, as well as the form of the releases to be executed by each Opt-in Plaintiff. The Court is satisfied that the settlement reached is a fair and reasonable compromise of disputed issues under the Fair Labor Standards Act and New York Labor Law.¹

ACCORDINGLY, it is hereby ORDERED AND ADJUDGED as follows:

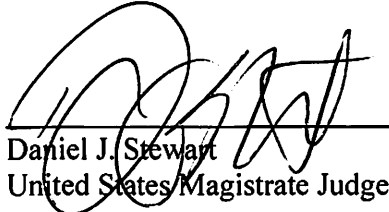
1. The Settlement Agreement is APPROVED, including, but not limited to, the distribution of settlement payments determined by Opt-in Plaintiffs’ counsel and the attorneys’ fees and costs apportioned to Opt-in Plaintiffs’ counsel.

2. The form of the releases to be executed by each Opt-in Plaintiff is APPROVED.

¹ Although the complaint alleged a class action pursuant to Fed. R. Civ. P. 23 and L.R. 23.1–23.2, Opt-in Plaintiffs did not move for class certification, and the settlement is not pursuant to Fed. R. Civ. P. 23 and L.R. 23.1–23.2.

3. The Court DISMISSES WITH PREJUDICE all Opt-in Plaintiffs.
4. The Court further DISMISSES WITH PREJUDICE this action and the claims of all Opt-in Plaintiffs that were raised or that could have been raised in this action.
5. Without affecting the finality of this Final Order and Judgment in any way, the Court retains continuing and exclusive jurisdiction over this action for purposes of resolving issues relating to administration, implementation, and enforcement of the Settlement Agreement.

IT IS SO ORDERED this 14th day of June, 2016



Daniel J. Stewart
United States Magistrate Judge